

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of May 21, 2019

Regular Meeting #9

The regular meeting of the Fort Scott City Commission was held May 21st, 2019 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

ROLL CALL:

Commissioners Adamson, Bartelsmeyer, Mitchell, and Nichols were present with Mayor Parker presiding.

INVOCATION: Dave Martin, City Manager, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Rhonda Dunn, Robert Uhler, Chad Brown, Shaun O'Brien, Josh Jones, Max Daly, Larry Gazaway, Rachel Pruitt, Kelly Stone, Ally Turvey, Blake Hudson, Tim Harper, Brian Allen, Clayton Miller, Michael Hoyt, Paul Ballou, Darrell Parker, Deb Needleman, Dave Bruner, Deb McCoy, Clayton Miller and representing the press, Jason Silvers of the Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS:

Recognition of Blake Hudson, Municipal Court Judge – 43 years of service – Mayor Parker recognized Blake Hudson for his 43 years of service with the City of Fort Scott as Municipal Court Judge. He began with the City on July 2nd, 1975 and his last court was held on May 3rd, 2019. The City wishes him all the best as he continues in his personal law firm and thanked him for his many years of dedicated and loyal service.

Blake thanked the City for the recognition. He also thanked the former Prosecutor, Bob Farmer, as they started the same month in 1975.

Introduction of Tiana McElroy, City Prosecutor – Tiana was unable to attend due to weather.

Introduction of Adam Harrison, Codes Enforcement Supervisor – Adam was unable to attend due to illness.

Buddy Poppy Day Proclamation – May 24, 2019 - Mayor Parker read a proclamation which proclaims May 24th, 2019 as Buddy Poppy Day in the City of Fort Scott and urged men and women to wear a buddy poppy as evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens.

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

A. Approval of minutes of the regular meeting of May 7th, 2019.

- B. Approval of Appropriation Ordinance 1238-A totaling \$469,110.17.
- C. Good Ol' Days Parade Request Form
- D. Approval to allow alcohol at Memorial Hall on May 31st and June 1st, 2019 for concerts.
- E. Approval to allow alcohol at Memorial Hall on May 25th, 2019 for a wedding reception.
- F. Resolution 7-2019 - Notice of Hearing With Reference to Alleged Unsafe and Dangerous Structure and Accessory Structure located at 15 S. Crawford – Public Hearing Date – July 2nd, 2019 – 6:15 p.m.
- G. Resolution 8-2019 - Notice of Hearing With Reference to Alleged Unsafe and Dangerous Structure located at 602 S. Heylman – Public Hearing Date – July 2nd, 2019 – 6:15 p.m.

Mitchell moved to approve the Consent Agenda. Bartelsmeyer seconded. All voted aye.

APPROVED CONSENT AGENDA.

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. APPEARANCE: None

B. CITIZEN COMMENTS (Concerning Items Not on Agenda – 3 minute limit per citizen)

Max Daly – He said he wanted to thank the City and his City family for their support this last year. It was a roller coaster for him. He thanked Dave Martin and all the Directors for their support and assistance. They went above and beyond their job in checking on him.

Bobby Duncan – Mr. Duncan said he wanted to comment on the newspaper article that was put out the other day. It is concerning the fact that the article said that the Regional Fire Marshal inspected the building in December 2017 and in the report which was provided to the City, that the Fire Marshal required a code footprint. He would like a copy of that because he hasn't seen it. This is actually what the State Fire Marshal's office says about that. It is from the Attorney General or one of his members. It says he believes it may be helpful to point out an email from Randy DeShon, that came down here, of the Fire Marshal's office to Mr. Bruner that says the Office of the State Fire Marshal did not need to review or approve the code footprint. That's what the State Fire Marshal's office said. If you have a copy that demands he get the code footprint I want to see it. This article says that Cindy Bartelsmeyer said that the City is willing to make corrections. Randy Nichols said so a little bit earlier. That's a little bit of progress maybe. Who knows? When our problem first began, I asked Dave Martin and Rhonda Dunn to come to

my building so I could show the errancy that they had adopted. Martin came about five days later and then Nichols. Later Farmer stood in this room right here saying there are no errors. I've been asking every commissioner to come and review what is wrong. Sitting right over there, Mrs. Bartelsmeyer, well she snapped at me, and said, well I won't do that. If you're willing to start and look at this now and get it fixed, well fix it all or I'm not in.

City Manager said that we had a meeting with you. We all went over there with the engineer and said we're here to fix this.

Bobby said that you walked away mad.

City Manager said that he wasn't angry.

Bobby said that if a report from the Office of the State Fire Marshal's office does exist, he wants a copy of it.

City Manager said that he wanted it on record that we did come over.

Bobby said that yes you did come over, and when I went through your plans and all the things that erred on it, you got up and stomped out of the building.

City Manager said that's not true.

Mayor Parker thanked him for his comments.

Bobby said that there are a couple of people here that would agree with him.

Mayor Parker said that it is vital for you as a business and to move forward.

Bobby said that Mr. Buerge was standing right there and said he wanted to speak to this matter because he wanted to give them some money. My wife turned to him and said that we don't want the taxpayer's money. Mr. Buerge said that it's not the City's money, it's my money. After that I learned that the City gives him \$33,700 a year and the County gives him some money. That is taxpayer money.

Mayor Parker said that you need to clarify that with Mr. Buerge.

Cindy Bartelsmeyer said that she told him she would not talk to him because he has threatened a law suit. At that point there is no talking.

Bobby said that is not what she said and she said that she would not do that.

Cindy said that is what she meant. That's all she has to say.

Bobby said that the thing of it is that he has not threatened a law suit. All he did was have Mr. Zach Reynolds write you a letter stating what the positive thing was to do.

C. PUBLIC HEARINGS: None

CONSIDERATION:

1. Consideration of 2019 Asphalt Program – Chad Brown, Public Works Director, informed the Commission that he is appearing before them with the 2019 Street Program. The first street is Wall Street to continue from Margrave to Caldwell streets. He received a quote from Killough Construction of Ottawa, Kansas to mill and overlay from Margrave Street to Caldwell Street in the amount of \$61,595.34 and a quote from Vance Brothers of Kansas City, Missouri to apply the glass pave that will reduce rutting in the asphalt surface in the amount of \$13,010.40. If these companies can complete this work, that will amount to \$74,605.74. The next street is Horton Street from 6th to 8th Street. It will cost \$97,104.00. The third street is Andrick Street from 4th to 6th Street and will cost \$45,920.00 which will complete Andrick Street. The last street is Crawford Street from 10th to 12th Street in the amount of \$45,584.00. The asphalt used for the Andrick and Crawford Street will be received through an Interlocal Agreement with the Bourbon County Public Works that will provide the asphalt hauled to our project sites at \$68.00 per ton. On Horton Street he proposed to concrete the surface of this to add to the lifespan of the road. The total amount of the 2019 Street Program is \$263,553.80.

Nichols moved to approve the 2019 Asphalt Program. Mitchell seconded. All voted aye.

APPROVED 2019 STREET PROGRAM.

2. Consideration of purchase of five (5) Police Radar Units – Travis Shelton, Chief of Police, informed the Commission that the Police Department is requesting to replace three (3) Stalker radar units purchased in the late 1990's and two (2) Kustom Signal units purchased in the mid 2000's. He received quotes to replace these radar units. He received three quotes: MPH Industries of Owensboro, Kentucky in the amount of \$9,995.00; Stalker Radar of Richardson, Texas in the amount of \$11,111.25; and Kustom Signals, Inc. of Lenexa, Kansas in the amount of \$12,815.00. He asked for approval for the quote from Stalker Radar in the amount of \$11,111.25. The lower quote does not have all the unique specifications that the Stalker units have. He also asked for approval to waive the bid process since these are specialized units with unique specifications.

Mitchell moved to approve the quote from Stalker Radar of Richardson, Texas in the amount of \$11,111.25 for the purchase of five (5) radar units. Bartelsmeyer seconded. All voted aye.

APPROVED QUOTE FROM STALKER RADAR OF RICHARDSON, TEXAS IN THE AMOUNT OF \$11,111.25 FOR THE PURCHASE OF FIVE (5) RADAR UNITS.

3. Consideration of Resolution 9-2019 – Adopting the Kansas Homeland Security Region H Hazard Mitigation Plan – Rhonda Dunn, Finance/Code Director, informed the Commission that this resolution needs adopted in order for the City to be able to participate in FEMA funding if necessary.

Nichols moved to approve Resolution 9-2019 adopting the 2019 Region H Multi-Hazard Mitigation Plan for the City of Fort Scott. Adamson seconded. All voted aye.

APPROVED RESOLUTION 9-2019 ADOPTING THE 2019 REGION H MULTI-HAZARD MITIGATION PLAN FOR THE CITY OF FORT SCOTT.

COMMISSION/STAFF:

A. Director Updates:

Larry Gazaway – Larry gave an update on LaRoche Baseball Complex and Tourism. He said that there are 9 upcoming tournaments for the next nine weekends at LaRoche Baseball Complex. He also thanked Bruce Swank for all his hard work at the complex. He gave an update on group tours that have occurred and upcoming group tours. He also updated the Commission on upcoming conferences that will be held in Fort Scott. He shared with them the shows and events that he has attended so far this year and the ones he will attend the remainder of the year. He told them about the Big Kansas Road Trip that he went on and hopes to have Fort Scott a part of this in the next year or two. He shared the Visit Fort Scott Directory with the Commission. They were designed in house and printed locally. He thanked Ally Turvey for her assistance and presented her with a certificate of recognition.

Deb Needleman – Deb updated the Commission on the City's health insurance plan. The City is a part of the Greenbush Health Trust. The plan for next year will hold costs steady. This year the most expensive plan will go up \$5.00 and the other plans remain the same. Holding those premiums steady, the benefits were enhanced. The co-pay will go down. The plan that did not have a co-pay will now have one as well as an x-ray rider. Blue Cross has allowed us to be a part of their biometrics program. They will reimburse \$50.00 for each employee for the employee health fair. She is negotiating with CHC for the health fair this year.

Rachel Pruitt/Allyson Turvey - Rachel shared a video clip of Niece Products and their NASCAR truck. She introduced Dave and Tina Lipe of Sharky's to Al Niece. Sharky's is now a sponsor on their NASCAR truck. They recently won at Kansas Speedway.

Rachel recognized the Fort Scott High School Tiger Baseball team who qualified for State. Regionals were held at LaRoche Baseball Complex. It was an exciting game and we wish them the best in Salina.

Fort Scott High School Golf Team qualified three for State this year and we wish them the best.

She also recognized the 2019 graduating class of Fort Scott High School.

Rachel said that we were recently made aware that Fort Scott made the news and not in a good way by USA Today that we were the poorest city in the State. We tried to fact find where they got their statistics. She asked Ally to appear and share some facts with the Commission.

Ally Turvey – Ally said that when you see that headline that is what you see and remember. In researching this, the writer of the article only researched 2600 cities nationwide. Only 52 cities per state which is 12% of the cities in the State of Kansas. Even though the data was accurate it was not the full picture where we stand in the State of Kansas. She compared Southeast Kansas cities with the highest populated city in each county in Southeast Kansas. She compared population, median household income and median home price. She then added free and reduced lunch rates, unemployment rates, and sales tax rates. Fort Scott does not rank in the lowest percentile of any of these categories. Our unemployment rate was 5.1% in January and now we are at 4.9%. That is one of the best markers to tell how your city is doing.

B. City Commission:

Adamson – Thank you to Larry, Ally and Rachel for their updates.

Nichols – Echoed Commissioner Adamson's comments.

Bartelsmeyer – Nothing to report.

Mitchell – Nothing to report.

Parker – Nothing to report.

C. City Manager:

1. Beaux Arts Center – Dave said that he is going to address Mr. Duncan before he leaves. We serve no purpose by having you shut down your business. We, as a City, have tried in his mind to get this fixed. The code footprint was not required by the State and he has said that. The City is responsible for historic buildings. We felt like the State did

come in on a call on some overnight stays and they came in and saw it and said that is the City's responsibility. We have felt strongly on code footprints when there is a change of occupancy to require a code footprint. Then comes the meeting – if you felt like I was angry with you, I apologize. I was frustrated. I was late getting with you when you decided to close your doors and we never wanted you to close your doors and never told you to close your doors. I was late five days in getting to you because of a personal matter at home and I told you that. I guess what I'm trying to say is if we can sit down and look at the code footprint issue, which I haven't changed anything from what we've offered to do from day one. I don't know if we can get the engineer to get involved in it again, because quite frankly, there's a lot of anger on both sides. We shouldn't have this in our city. We are better than that. I'm trying to say that the offer is still open from the City. We're still going to have a code footprint. There are things to the building, without going into detail of the building, that are fine that we don't mind being there, but it has to remain safe. The City has to know that the building is safe with people in there. That is our whole purpose. That is why we continue to do code footprints. The State said, and I've shared this with you, that you don't need to rescind the code footprint. They don't care what the code footprint says. If there's a fire in there, we're going to hold you responsible as the City. It is a historic building and the City is responsible. We're better than this in this community. I don't know how to get past this. I feel like we've tried to reach out to you and done everything we can. That day, if you thought we left angry, I was frustrated because we weren't getting anywhere in getting the code footprint fixed. The issues that you were saying about the measurements were off, and things like that. We couldn't get to what the issues were because you were saying you don't need a code footprint. Yes we do. Rachel and I reached out to Mr. Buerge because we knew that they were not requiring sprinklers, but there were some things that needed addressed. We've all talked about this and I hope what I'm saying you agree with. If you feel like I left in a huff, it was over frustration because we had a good business and we had some good business leaders that believed in our community but we weren't getting anywhere in trying to actually fix the problem. How do we get the City and your excellent business to be safe? We have to have the code footprint. If they come in that building and stay there, they have to know that the City knows that it is a safe building. This has gone on way too long. I don't know what to do but to offer that my door is always open. I don't know if we can get the engineer involved because of feelings. If we have a code footprint for what you're going to do in that building and it passes the Fire Department that

it's a safe building and what you're going to do is right, we don't want you to shut down. We want you to open back up. I want to make sure that is my take. That's the fact. I'm responsible for the City and all the pointing fingers is getting us nowhere. I felt like if you can get a code footprint on what you're going to do in that building and you're safe, that's all we want. There will be a code footprint. The State would hold us accountable. As far as the City is concerned, we are willing to work with you. We never told you to shut down. You were good in our community and you're still good in our community. I don't know what else to do other than say my door is always open. Mr. Buerge was not just looking at Bedco money, by the way, as he feels the arts is very important and he hated to see your business go down. He was offering other funds for a solution and that's why he and Rachel reached out to him. He's the president of Bedco but did not want to see your building close down. We would love to meet with you and get this resolved.

2. Health Care – We had a really good conference call today with CHC and Via Christi. Mercy has given them some land on the Mercy side to build their building which is public knowledge. They are committed to Fort Scott. Via Christi is still working with Mercy on the building that is currently there. They are asking about land there and the Industrial Park. We could end up with a campus but they are both committed. How it will fit to the other is where the City comes in. We need to get what we need and what they can survive on.

Mayor Parker said that to extend upon what Dave said to Mr. Duncan he would resolve that this gets taken care of. We want to see you back open and we can't do it if we don't work together.

Bob Duncan said that he and Denise have moved forward. The building was published that it was unsafe. If one person falls down the stairs, it would be his lawsuit. The doors are closed.

Mayor Parker said that it could be a viable place again and we can work through the issues.

Bob Duncan said to rescind the code footprint.

ADJOURNMENT:

Mitchell moved to adjourn the meeting at 6:52 p.m. Adamson seconded. All voted aye.

ADJOURNED MEETING AT 6:52 P.M.

The next regularly scheduled meeting is to be held on June 4th, 2019 at 6:00 p.m.

RECORDED BY:

**DIANE K. CLAY
CITY CLERK**